

E-FILING

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

2007 OCT 23 A 9:31

UNITED STATES OF AMERICA

V.

Ubaldo RAMOS-Rodriguez  
(Name and Address of Defendant)

CRIMINAL COMPLAINT

07-70616

RS

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, October 3, 2007, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

10/23/07  
Date

at

San Jose, California  
City and State

Richard Seeborg  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

**RE:** RAMOS-Rodriguez, Ubaldo A79 766 219

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

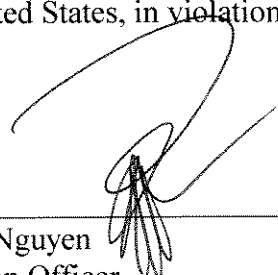
- (1) Mr. RAMOS-Rodriguez is a 26-year-old male who has used ten (10) aliases and three (3) dates of birth in the past.
- (2) Mr. RAMOS-Rodriguez has been assigned one (1) Alien Registration number of A79 766 219, FBI number of 380200CB0, California Criminal Information Index number of A11291662, and a Santa Clara County Personal File Number of DOW718.
- (3) Mr. RAMOS-Rodriguez is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
December 13, 2002	Otay Mesa, CA
November 28, 2005	Nogales, AZ

- (4) Mr. RAMOS-Rodriguez last entered the United States at or near unknown location on or after November 28, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. RAMOS-Rodriguez on a date unknown, but no later than October 3, 2007, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On October 3, 2007, Mr. RAMOS-Rodriguez was interviewed by Immigration Enforcement Agent (IEA) John Ramirez at the Santa Clara Co Jail Elmwood, Milpitas, CA, and during that interview, Mr. RAMOS-Rodriguez was advised of his **Miranda** rights in Spanish. Mr. RAMOS-Rodriguez waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.
- (6) Mr. RAMOS-Rodriguez was, on November 1, 2002, convicted in the Circuit Court of Oregon, in and for the County of Multnomah, for the offense of ATTEMPT ELUDE POLICE OFFICER, a felony, in violation of Oregon Revised Statutes 811.540, and was sentenced to sixty (60) days in jail.

**RE:** RAMOS-Rodriguez, Ubaldo A79 766 219

- (7) Mr. RAMOS-Rodriguez was, on November 22, 2002, convicted in the Circuit Court of Oregon, in and for the County of Multnomah, for the offense of POSSESS CONTROLLED SUBSTANCE OFFENSE, a felony, in violation of Oregon Revised Statutes 475.992, and was sentenced to eighteen (18) months probation.
- (8) Mr. RAMOS-Rodriguez was, on September 16, 2005, convicted in the United States District Court, District of Arizona, for the offense of ILLEGAL ENTRY, a misdemeanor, in violation of Title 8, United States Code, Section 1325, and was sentenced to 75 days.
- (9) Mr. RAMOS-Rodriguez was, on June 13, 2007, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of FALSE ID TO OFFICER, a misdemeanor, in violation of Section 418.9 of the California Penal Code, and was sentenced to five (5) days in jail.
- (10) On the basis of the above information, there is probable cause to believe that Mr. RAMOS-Rodriguez illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 23<sup>rd</sup> day of October, 2007

  
\_\_\_\_\_  
RICHARD SEEBORG  
UNITED STATES MAGISTRATE JUDGE